

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:14-cv-00591-FDW-DCK

FRANCES S. BYERS,

Plaintiff,

vs.

WINNEBAGO INDUSTRIES, INC. &
MERCEDES-BENZ USA, LLC

Defendants.

ORDER & NOTICE OF HEARING

THIS MATTER is before the Court on Defendant Winnebago Industries' Motion for Partial Summary Judgment on Damages (Doc. No. 15) and Motion in Limine to Exclude the Opinions of Phillip Grismer (Doc. No 17), and Defendant Mercedes-Benz USA's Motion for Summary Judgment (Doc. No. 21).¹ A hearing on the Motions was held on August 10, 2015, and for the reasons stated in Court, both Motions for Summary Judgment are DENIED. Further, the Court DEFERS RULING on the Motion in Limine until trial.

TAKE NOTICE that a pretrial conference will take place on **Tuesday, September 8, 2015 at 9:30 am** in Courtroom #1-1 of the Charles R. Jonas Building, 401 W. Trade Street, Charlotte, North Carolina 28202. Pursuant to the Court's standing orders in this case, the parties' joint proposed pretrial order is due **by August 28, 2015**. In addition to that joint proposed order, the parties should submit to chambers one copy of the electronic versions of their trial exhibits in PDF format on CD-ROM. The parties should **not** submit a hard copy of trial exhibits.

¹ Counsel for Winnebago informed the Court at the hearing that its Motion for Partial Summary Judgment on Implied Warranty Claims (Doc. No. 19) was withdrawn.

Furthermore, jury selection in this matter will commence on **September 9, 2015**, with trial to begin sometime thereafter during the Court's September term.

IT IS SO ORDERED.

Signed: August 12, 2015

A handwritten signature in cursive script, reading "Frank D. Whitney", is written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

